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IN THE

Supreme Court of the United States

October Term, 1957

No. 614

N. H. LYONS & CO., INC.,

Appellant,

against

ISADOR LUBIN, as Industrial Commissioner of the State of New York,

Appellee.

APPELLANT'S REPLY MEMORANDUM TO APPELLEE'S MOTION TO DISMISS OR AFFIRM

At pages 8 and 9 appellee's motion to dismiss or affirm seems to imply that prior to the promulgation of Section 4(e)(4) of the New York City Lodging House Regulations women were permitted to work in lodging houses.

This is not the fact.

Although it is true that the regulation previously in effect was somewhat obscure it was interpreted by the Department of Buildings to prohibit such employment and the lodging houses acquiesced in that interpretation. When appellee submitted a brief in the Court of Appeals making the same argument as that urged at pages 8 and 9, the Commissioner of Buildings wrote appellant's attorney the following letter:

"January 21, 1957

Mr. Henry Alexander
280 Madison Avenue
New York 16, N. Y.

Dear Mr. Alexander:

Answering your telephone query of January 21, 1957; and relative to my letter of January 17th.

The Department of Buildings does not permit the employment in lodging houses of persons of the sex opposite that of the lodgers. Present regulations will be clarified.

Cordially yours,

/s/ BERNARD J. GILLROY
Bernard J. Gillroy
Commissioner"

BJG:nb

The original of this letter was handed to the Court of Appeals during the argument before that Court. Both the majority and dissenting opinions assume that women are not employed in lodging houses and the dissenting opinion expressly states that such employment is forbidden (Jurisdictional Statement, Appendix A, p. 4a; Appendix B, p. 8a).

Section 4(e)(4) constituted the clarification to which the Commissioner referred in his letter of January 21, 1957.

Respectfully submitted,

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